

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
AUSTIN DIVISION**

IN RE:

ROBERT FRANK SPIVA

DEBTOR.

§  
§  
§  
§  
§

CASE NO. 11-12917-HCM

CHAPTER 7

**TRUSTEE'S APPLICATION TO SELL THE BANKRUPTCY ESTATE'S  
1/4 REMAINDER INTEREST IN REAL ESTATE AND  
REMAINDER INTEREST IN FURNITURE AND FURNISHINGS  
(712 COAL CREEK DRIVE, TARRANT COUNTY, TEXAS)**

**THIS PLEADING REQUEST RELIEF THAT MAY BE ADVERSE TO YOUR INTERESTS. IF NO TIMELY RESPONSE IS FILED WITHIN TWENTY ONE (21) DAYS FROM THE DATE OF SERVICE, THE RELIEF REQUESTED HEREIN MAY BE GRANTED WITHOUT A HEARING BE HELD. A TIMELY FILED RESPONSE IS NECESSARY FOR HEARING TO BE HELD.**

TO THE HONORABLE H. CHRISTOPHER MOTT, U. S. BANKRUPTCY JUDGE:

NOW COMES, C. Daniel Roberts, Trustee ("Trustee"), the chapter 7 trustee for the above captioned and numbered bankruptcy case ("Bankruptcy Case"), to file his Trustee's Application to Sell the Bankruptcy Estate's 1/4 Remainder Interest in Real Estate and Remainder Interest in Furniture and Furnishings (712 Coal Creek Drive, Tarrant County, Texas) (the "Application") and in support thereof would respectfully show to the Court as follows:

1. Robert Frank Spiva ("Debtor") filed a voluntary petition for relief under chapter 7 of the United States Bankruptcy Code on November 30, 2011. C. Daniel Roberts is the duly appointed and acting chapter 7 trustee.

2. On May 3, 2012, Debtor filed an amended Schedule B and added an "Interest in the estate of Jack Spiva, father, deceased 2/28/12".

3. By order signed and docketed on September 25, 2013, the Bankruptcy Court approved Trustee's Application to Compromise and Settle a dispute between the heirs and

devisees of Jack Spiva. Pursuant to the terms of the settlement agreement approved by the Court, Margaret Spiva has a life estate in the house and furnishings located at 712 Coal Creek Dr., Mansfield, Texas 76063 (the "Property"), to last until the earlier of (i) her death, or (ii) her physical abandonment of the property; or (iii) her abandonment of the life estate evidenced by the filing of a document in the Deed Records of Tarrant County, Texas. Upon her death or abandonment, the real property will be sold and the proceeds divided one-half to Debtor (1/4) and John Spiva (1/4), and one-half to Margaret Spiva's two sons by prior marriage, Leonard H. Watson and Wells Watson. In addition, the furniture and furnishings which were owed by Jack Spiva prior to his marriage to Margaret Spiva will be returned to John Spiva and Debtor at Margaret Spiva's death, or abandonment.

4. Debtor's brother, John R. Spiva, has offered to pay \$10,500.00 net to the Bankruptcy Estate for the Bankruptcy Estate's remainder interest in the Property. Accordingly, Trustee requests authority to sell the Bankruptcy Estate's remainder interest in the Property, subject to all liens and other encumbrances that are filed of record, pursuant to 11 U.S.C. §363 and Bankruptcy Rule 6004.

5. Bankruptcy Rule 6004 requires an application and order to effectuate a sale pursuant to 11 U.S.C. §363. It is necessary to file this application so that any party-in-interest asserting a lien, whether or not such assertion is known to Trustee or Debtor, will be placed on notice that the property will be sold subject to its lien unless otherwise ordered.

6. Concurrently with the filing of this Application, Trustee will mail to all creditors the notice attached hereto as Exhibit "A", pursuant to Bankruptcy Rule 2002 and Local Rule 2002. The notice provides as follows:

**THIS PLEADING REQUESTS RELIEF THAT MAY BE ADVERSE TO YOUR INTERESTS. IF NO TIMELY RESPONSE IS FILED WITHIN TWENTY-ONE (21) DAYS FROM THE DATE OF SERVICE, NO HEARING WILL BE HELD AND THE RELIEF REQUESTED IN THE MOTION WILL BE GRANTED WITHOUT A HEARING BEING HELD. A TIMELY FILED RESPONSE IS NECESSARY FOR A HEARING TO BE HELD.**

If no timely objections are filed, the Court should enter its order approving the sale, approving payment of any fees and expenses, and finding that the property to be sold is wholly owned by the bankruptcy estate. If an objection is filed, a hearing should be held and the sale approved after such hearing.

WHEREFORE, PREMISES CONSIDERED, Trustee respectfully prays that the Court enter an order approving the sale of the Bankruptcy's Estates remainder interest in the Property pursuant to the terms and conditions set forth herein. In addition, Trustee prays for any further relief to which he may show himself justly entitled, both general and special, legal and equitable.

Respectfully Submitted,

/s/ C. Daniel Roberts  
C. Daniel Roberts, Trustee  
1602 E. Cesar Chavez  
Austin, Texas 78702  
Telephone: (512) 494-8448  
Facsimile: (512) 494-8712  
Email: droberts@cdrlaw.net

CHAPTER 7 TRUSTEE

**CERTIFICATE OF SERVICE**

By my signature above, I hereby certify that on the 24th day of April, 2014, a true and correct copy of the foregoing document was served upon the following parties via electronic means as listed on the Court's ECF noticing system or by regular first class mail, postage prepaid, and that the Notice of Trustee's Application to Sell Property, attached hereto as Exhibit "A," was sent in the same manner and on the same day to all creditors and parties-in-interest listed on the attached Creditor Matrix.

Robert Frank Spiva  
21456 Lakefront Drive  
Lago Vista, Texas 78645  
DEBTOR

Michael V. Baumer  
7600 Burnet Road, Suite 530  
Austin, Texas 78757  
ATTORNEY FOR DEBTOR

Frank R. Jelinek  
801 E. Abram, Suite 102  
Arlington, Texas 76010  
ATTORNEYS FOR JOHN SPIVA

Jenks Garrett  
8139 Tin Top Road  
Weatherford, Texas 76087  
ATTORNEYS FOR MARGARET WATSON  
SPIVA

United States Trustee  
903 San Jacinto, Suite 230  
Austin, Texas 78701

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Notice is hereby given that the Trustee requests authority to sell property of the estate subject to all liens and other interest pursuant to 11 U.S.C. §363 and Bankruptcy Rule 6004 as follows.

DESCRIPTION OF PROPERTY TO BE SOLD:	The Bankruptcy Estate's ¼ remainder interest in Block 12, Lot 12, Antigua Addition, Tarrant County, Texas, locally known as 712 Coal Creek Drive, Mansfield, Texas and remainder interest in furniture and furnishings (the "Property").
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PRICE:	\$10,500.00
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PURCHASER:	John R. Spiva and/or his assigns
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TERMS:	The Property is being sold subject to all liens and other encumbrances that are filed of record.
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ESTIMATED COSTS OF SALE:	None
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Dated: April 24, 2014

/s/ C. Daniel Roberts  
C. Daniel Roberts

**Address for Filing Objections:**

U. S. Bankruptcy Clerk  
903 San Jacinto, Suite 322  
Austin, Texas 78701

**Copy of Objection to:**

C. Daniel Roberts & Associates, P.C.  
1602 E. Cesar Chavez  
Austin, Texas 78702

<b>EXHIBIT A</b>
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Afni  
P.O. Box 223721  
Dallas, TX 75222-3721

Al Clawson Disposal  
P.O. Box 416  
Jarrell, TX 76537-0416

Atmos Energy  
P.O. Box 650205  
Dallas, TX 75265-0205

Austin Radiological Association  
P.O. Box 4099  
Austin, TX 78765-4099

Austin Telco FCU  
8929 Shoal Creek Blvd.  
Austin, TX 78757-6819

Bank of America  
PO Box 17054  
Wilmington, DE 19850-7054

Barnett & Garcia  
211 RR 620 S. #110  
Austin, TX 78734

BBVA Compass Bank  
PO Box 2210  
Decatur, AL 35699-0001

Bureaus Investment Group Portfolio No 7 LLC  
c/o Recovery Management Systems Corp  
25 SE 2nd Avenue Suite 1120  
Miami FL 33131-1605

Byram Healthcare  
220 N. Cobb Pkwy #200  
Marietta, GA 30062-3577

CACI  
P.O. Box 270480  
St. Louis, MO 63127-0480

Cedar Park Regional Medical Ctr.  
1401 Medical Parkway  
Cedar Park, TX 78613-7763

Chase  
P.O. Box 94014  
Palatine, IL 60094-4014

Chex Systems  
Dept 2691  
Los Angeles, CA 90084-0001

Citibank  
PO Box 6001  
The Lakes, NV 88901-6001

City of Cedar Park  
600 North Bell Boulevard  
Cedar Park, TX 78613-2216

CMI  
4200 International Pkwy  
Carrollton, TX 75007-1930

Consumer Adjustment Co  
12855 Tesson Ferry Rd  
St. Louis, MO 63128-2911

County of Williamson  
c/o Lee Gordon  
P.O. Box 1269  
Round Rock, TX 78680-1269

Craig Denum  
11757 Katy Freeway, Suite 1010  
Houston, TX 77079-1762

Credit Collection Services  
P.O. Box 9134  
Needham, MA 02494-9134

Credit Protection Assoc.  
P.O. Box 802068  
Dallas, TX 75380-2068

Credit Systems International  
PO Box 1088  
Arlington, TX 76004-1088

Creditors Adjustment Bureau  
14226 Ventura Blvd.  
Sherman Oaks, CA 91423-2777

Dish Network  
Dept 0063  
Palatine, IL 60055-0001

Diversified Collection Services  
P.O. Box 9046  
Pleasanton, CA 94566-9046

Emergency Physicians of Central Texas PA  
PO Box 2283  
Mansfield, TX 76063-0047

Financial Control Service  
6801 Sanger Ave., Ste. 195  
Waco, TX 76710-7804

Financial Control Services  
PO Box 21626  
Waco, TX 76702-1626

First Premier Bank  
P.O. Box 5114  
Sioux Falls, SD 57117-5114

Hospital Internists of Austin  
7000 North Mopac Expressway  
Austin, TX 78731-3027

IESI  
9904 FM 812  
Austin, TX 78719-9641

Internal Revenue Service  
PO Box 7346  
Philadelphia, PA 19101-7346

Jack Spiva  
712 Coal Creek Dr.  
Mansfield, TX 76063-4066

John Meadows  
9065 Jollyville Rd. #201  
Austin, TX 78759-7430

Law Offices of John B. Meadows  
9065 Jollyville Rd, Suite 201  
Austin, TX 78759-7579

Leif Johnson Ford  
501 East Koenig Lane  
Austin, TX 78751-1426

Leif Johnson Ford, Inc.  
c/o Law Offices of John B. Meadows  
9065 Jollyville Rd., Ste. 201  
Austin, Texas 78759-7579

Leif Johnson Ford, Inc.  
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John B. Meadows  
9065 Jollyville Rd., Ste. 201  
Austin, Texas 78759-7579

M&M Funding, Inc.  
9151 Research Blvd.  
Austin, TX 78758-6949

MBF Leasing  
P.O. Box 7861  
New York, NY 10116-7861

McCreary, Veselka  
904 S. Main St. #100  
Round Rock, TX 78626-5829

Medical Data Systems  
645 Walnut St. #5  
Gasden, AL 35901-4173

Merchants & Professional Credit  
PO Box 140675  
Austin, TX 78714-0675

Mossy Nissan Parts  
1170 West Main Street  
El Cajon, CA 92020-3126

Nationwide Insurance  
921 W New Hope Dr  
Cedar Park, TX 78613-6786

NCO Financial  
507 Prudential  
Horsham, PA 19044-2368

North Austin Medical Center  
P.O. Box 16468  
Austin, TX 78761-6468

Omni Bank  
397 N. Sam Houston Pkwy E.  
Houston, TX 77060-2493

OmniBank, N.A.  
c/o Storey & Denum, P.C.  
11757 Katy Freeway, Suite 1010  
Houston, Texas 77079-1762

Pedernales Electric Cooperative  
PO Box 1  
Johnson City, TX 78636-0001

PORTFOLIO RECOVERY ASSOCIATES LLC  
PO BOX 41067  
NORFOLK VA 23541-1067

Premier Bankcard/Charter  
P.O. Box 2208  
Vacaville, CA 95696-8208

Professional Finance  
5754 W. 11th St. #100  
Greeley, CO 80634-4811

Progressive County Mutual Ins.  
6300 Wilson Mills Road  
Mayfield Village, OH 44143-2182

Prosperity Bank  
3515 W. Camp Wisdom Rd.  
Dallas, TX 75237-2505

Recovery Management Systems Corporation  
25 S.E. 2nd Avenue, Suite 1120  
Miami, FL 33131-1605

RJM Acquisition  
575 Underhill Blvd. #224  
Syosset, NY 11791-3426

Robert Frank Spiva  
21456 Lakefront Dr.  
Lago Vista, TX 78645-6122

SBA  
17319 San Pedro Ave  
Bldg 2 #200  
San Antonio, TX 78232

St Davids Hospital  
2400 Round Rock  
Round Rock, TX 78681-4004

Texas Cardiovascular Consultants  
P.O. Box 678094  
Dallas, TX 75267-8094

Texas Workforce Commission  
101 E. 15th St.  
Austin, TX 78778-0001

The Bureaus, Inc.  
1717 Central St.  
Evanston, IL 60201-1507

Time Warner Cable  
P.O. Box 660097  
Dallas, TX 75266-0097

Travis County Clerk  
P.O. Box 149325  
Austin, TX 78714-9325

Travis County District Clerk  
P.O. Box 679003  
Austin, TX 78767-9003

Travis County Emergency Physicians  
P.O. Box 2283  
Mansfield, TX 76063-0047

Travis County JP Pct 2  
10409 Burnet Road, Ste 180  
Austin, TX 78758-4424

United States Attorney/SBA  
601 NW Loop 410, Ste. 600  
San Antonio, TX 78216-5597

United Tranzaactions  
2811 Corporate Way  
Miramar, FL 33025-3972

Virginia D. Spiva  
21456 Lakefront Dr.  
Lago Vista, TX 78645-6122

Wells Fargo Bank  
2301 Ranch Rd 620 S  
Lakeway, TX 78734-6242

West Asset Management  
P.O. Box 1420  
Sherman, TX 75091-1420

Williamson County  
904 S. Main St.  
Georgetown, TX 78626-5829

Williamson County District Clerk  
P.O. Box 24  
Georgetown, TX 78627-0024